

REMARKS

The Examiner has rejected claims 1-19 under 35 USC 103(a) as being unpatentable over U.S. 6,203,516 to Kepley. In this rejection, the Examiner states that Kepley discloses a power supply for a phacoemulsification system, as claimed, referring to Figures 8-32. The Examiner acknowledges that Kepley does not disclose a cutting tip ultrasonically vibrated by an ultrasonic needle and concludes that it is well known in the art that a phacoemulsification includes a cutting tip as claimed in order to disintegrate a lens of an eye. The Examiner summarizes that it would have been obvious of one of ordinary skill in the art at the time the invention was made to employ a cutting tip as claimed into Kepley's phacoemulsification system probe in order to perform a phacoemulsification.

The Applicants traverse this rejection as follows. First, Kepley's disclosure does not disclose a power supply, as presently claimed. Specifically, in accordance with the present claimed invention, a power supply is provided for driving the ultrasonic transducer at a resonant frequency in response to loading of the cutting tip by shifting voltage and current supply to the transducer.

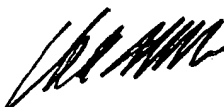
Nowhere in the Kepley reference is there any teaching or suggestion of varying the current supply to the transducer by way of phase shifting.

Accordingly, the Applicants submit that the Examiner has not made a prima facie case of obviousness as required by the Supreme Court in Graham v. John Deere Company, 148 USPQ 469 (1966). In that, there is no factual basis in the Kepley reference for sustaining a rejection of a power supply shifting the 'current

supply to a transducer, as presently claimed. See also In re Warner, 154 USPQ 173, 177 (CCPA 1967).

In view of the arguments hereinabove set forth, it is submitted that each of the claims now in the application defines patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectively requested.

Respectfully submitted,



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